

RECEIVED
CLERK'S OFFICE
2018 OCT 29 PM 3:49

D. GEORGE SWEIGERT, C/O
P.O. BOX 152
MESA, AZ 85211

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
(FOLEY SQUARE)

D. GEORGE SWEIGERT

Plaintiff,

vs.

JASON GOODMAN

Defendant

Case No.: 1:18-cv-08653-UA

MEMORANDUM OF POINTS AND
AUTHORITIES TO SUPPORT PLAINTIFF'S
MOTION FOR GAG ORDER

**MEMORANDUM OF POINTS AND AUTHORITIES
TO SUPPORT PLAINTIFF'S MOTION FOR GAG ORDER**

PURSUANT TO LOCAL RULE 7.1, NOW COMES THE PRO SE plaintiff, a layman non-attorney who is acting in the capacity of private attorney general in a public interest lawsuit, to respectfully PRAY THIS Court rely on its inherent judicial power and issue an appropriate gag order against Defendant Jason Goodman.

FACTS

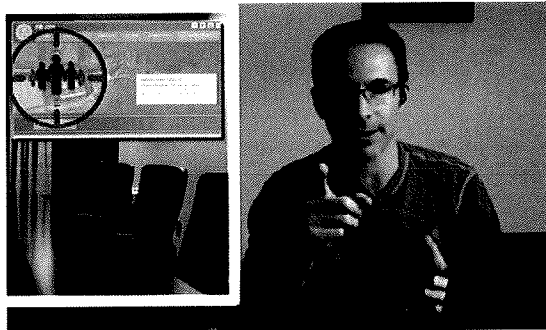
1. Attached is an accompanying verified exhibits list, containing EXHIBIT ONE [Exh.1] (a YouTube video production at Internet URL <https://www.youtube.com/watch?v=hnqaTubTLlw&t=1s>) entitled "Tonight Only ON Patreon The Intelligence Assessment with Kevin Shipp – Targeted Individuals", posted 10/25/2018 viewed 1,422 times at the time of this writing.

2. In Exh.1 Defendant Goodman describes the dozen social media platforms that presently distribute his social media content to include (@ time mark 01:52):

01:52 GOODMAN: As well as all the platforms we're on, that's gonna be YouTube, Facebook, GAB.AI, DLive, VK.com, Twitch – trying to spread the word as far and wide as possible.

3. Goodman then continues in the video ([Exh.1]) to state that the Plaintiff is harassing one of his guests – Michael J. Bardon, of Avondale, AZ, who has recently pled guilty to the charge of Disorderly Conduct with a Firearm (court record attached as EXHIBIT TWO [Exh.2]).

04:17 GOODMAN: I invite people to visit Michael Barden's page at PATREON.COM/MichaelJBarden. Michael has done a number of shows here at CrowdSource The Truth and he actually has come under fire by an individual who lives in Mountain Town [implied to be the Plaintiff] and is the brother of another very popular YouTuber, together the two of them are over 13 feet tall. That's a number that's unlucky for sum. I don't know why this 'actor' – he's actin all the time – **but, he's now targeting Michael.** Why would he do that? He claims there is no such thing as targeted individuals **yet he himself is engaging in harassment. Opps, did you get that?** [points to camera, shown below]. **Did you get that Dave? Transcribe it, put it in a lawsuit. [emphasis added] [Exh.1]**



4. In an unmistakable fashion, Defendant Goodman is engaging in the continuous and on-going torts of implied defamation, trade libel and per se slander in his social media broadcasts. This type of prima facie torts are continuing in an on-going, open-ended and rolling manner on Goodman's extensive social media empire. The frequency of these alleged continuous tortious activities create an ever expanding aggregated and cumulative effect damaging impact to the Plaintiff.

5. This on-going, open-ended and continuous tortious conduct places a burden upon the Plaintiff to keep up with the nearly endless documentation of Goodman's misconduct to present evidence to this Court. This makes the task of creating a stable, well-settled and complete Amended Complaint nearly impossible. Goodman's non-stop antics with his social media sidekicks to conduct double-team triangulation interviews that support Goodman's insinuations and implied defamation, per se libel and trade libel (in this case [Exh.1] Michael J. Bardon and ex-CIA disgruntled employee Kevin Shipp), not only damage the Plaintiff, but a make a mockery of this Court and judicial processes.

6. The “harassment” that Goodman is complaining about (with regards to Mr. Barden) is the transmission of a pre-witness evidence preservation notice sent to Mr. Barden’s criminal defense attorney in Arizona, attached as **EXHIBIT THREE [Exh.3]**. The pre-witness evidence preservation e-mail message **[Exh.3]** was sent as a standard extra-judicial precaution to a potential witness (via his attorney) to this present litigation pursuant to New York Civil Practice Law and Rules (**CPLR**) § 3113. CPLR § 3113 is specifically referenced in the preservation notice sent to Mr. Barden’s attorney – which was NOT sent to Mr. Barden. Mr. Barden has even produced his own YouTube video production describing this event (see Internet URL: <https://www.youtube.com/watch?v=Ifan8-b2mFw&t=7s>; entitled, Targeted Individual Michael Barden weird day before court.”, 10/15/2018, 1,687 views. [Attached as EXHIBIT FOUR **Exh.4**]).

04:19 BARDEN: **I got a call from my attorney today. Notifying me that this guy Dave Sweigert, who I have never even seen his face before, never talked to the guy, never met him in my life, he is making YouTube videos about me I guess. Trying to discredit me. Which is interesting because we have never had any interaction in our life. He must be doing some kind of intel about me, otherwise how would he know anything about me. Uh, but this guy sent my attorney some kind of letter saying that they want me to retain all my YouTube videos, all of my contact with Jason Goodman. To be a witness in their , their case. Their civil suit against Jason Goodman. [emphasis added] [Exh.4]**

7. For the record, Mr. Goodman’s other guest in the 10/25/2018 triangulation interview (ex-CIA disgruntled employee Kevin Shipp see **[Exh.1]**) also received a nearly identical pre-witness evidence preservation notice; attached as EXHIBIT 5 **[Exh.5]**.

8. Only two days before the 10/25/2018 triangulation interview to double-team the Plaintiff with more prima facie tortious conduct (Barden/Shipp **[Exh.1]**), Mr. Goodman interviewed self-professed serial killer Larry Nichols to again discuss this present lawsuit, which he described as “Clintonesque”.

05:15 GOODMAN: There are two lawsuits pending against me, one from Robert David Steele and one from **David Sweigert the brother of George Webb Sweigert**. I wonder if these are not intended to put the type of **reputation destruction and financial destruction** on me that is the **classic hallmark of these Clintonesque tactics that you [Larry Nichols] now say** have permeated the entire Democratic party. **[emphasis added] [Exh.5]**

9. The implied defamation, trade libel, per se libel, and prima facie tortious conduct appears obvious. Goodman apparently is attempting to litigate this present controversy via his vast social media empire – with little respect or due regard for the courts of the United States.

LAW AND ARGUMENT

10. It has long been settled that the federal courts retain their inherited judicial power to compel the behavior of parties to litigation. The federal Courts can exercise their inherent power in an independent manner to support judicial efficiency and the expeditious flow of litigation.

11. As the Court docket demonstrates, Defendant Goodman has failed to follow the most basic of judicial procedure in this lawsuit – including (1) sending the Plaintiff an electronic message (e-mail) with the attached Defendant’s unverified ANSWER and “Certificate of Service” (See Doc. No. 35, 10/10/2018). The Plaintiff has **NEVER** agreed to the electronic receipt of litigation documents from Goodman. In fact, based upon the Plaintiff’s expertise as a well-seasoned cyber security professional, it appears the transmitted “Certificate of Service” electronic file (sent by Goodman on 10/11/2018) contained a zero-day malware virus.

12. When Defendant Goodman filed his bifurcated “COUNTER-CLAIM” (Doc. No. 44, 10/22/2018) twelve (12) days after he filed the unverified and legally moot ANSWER (Doc. 35, 10/10/2018), he once again FAILED to file an appropriate Certificate of Service with that pleading (Doc. 44, 10/22/2018). It seems that Mr. Goodman decides when to file a Certificate of Service, standing **F.R.C.P. Rule 5** on its head.

13. To support the foregoing claims of illegitimacy of the Defendant’s ANSWER and COUNTER-CLAIM (pursuant to **CPLR § 3011 and §3022**) the Plaintiff hereby incorporates the following documents as if fully restated herein (all are hereby incorporated by reference).

- Docket No. 41, filed 10/19/2018
- Docket No. 42, filed 10/19/2018
- Docket No. 43, filed 10/22/2018
- Docket No. 8, filed 07/09/2018

14. Normally, people resort to the court system to resolve grievances and discover the truth. In Goodman’s case, he invited litigation via his 03/30/2018 e-mail to the Plaintiff [attached as EXHIBIT SIX [Exh.6]]. Since 03/30/2018 Goodman continues to create strife and perpetuate lies about the Plaintiff and his legal rights of the “CrowdSource The Truth” social media empire.

1 15. Additionally, Goodman has attempted to derail the orderly administration of justice with his
2 frivolous conduct (transmission of court pleadings infected with malware, failure to file certificates of services,
3 submitting bifurcated pleadings, etc.). In sum, Goodman's conduct has subverted the normal expeditious
4 administration of justice before this Court. This could be classified as intrinsic misconduct as it is a direct assault
5 on the Court's processes. Goodman's extrinsic mockery of the Court is accomplished via "CrowdSource The
6 Truth".

7 16. In his latest series of extrinsic social media stunts, Goodman and his sidekicks (Nichols, Shipp,
8 and Braden) have openly mocked the good name of this Court with their "Clintonesque" harassment insinuations.
9 For example, Goodman has characterized a standard **CPLR § 3113** evidence preservation notice as "harassment".
10 Goodman claims that the Plaintiff is "harassing" Michael J. Barden, an individual who has appeared on Goodman's
11 podcasts at least six (6) times and has produced nearly a hundred videos on his "Michael Barden targeted
12 Individual" YouTube channel.

13 17. The Court should note that Barden has publically distributed hours of YouTube video content of
14 his line by line analysis of a court ordered psychiatric report, which apparently classifies Barden as a paranoid
15 delusional conspiracy theorist (much like Goodman, who claims that HE is also a "targeted individual" like
16 Barden; which may explain Goodman's filing of numerous criminal complaints against the Plaintiff with the
17 N.Y.P.D. and F.B.I. beginning on 03/30/2018).

18 18. A gag order against Goodman to prohibit any further discussions of this honorable Court, the
19 present lawsuit and/or the Plaintiff is not only warranted, but imperative to remedy the damage caused by the
20 Defendant's rolling intrinsic misconduct concerning the Court's processes, and Goodman's continuous extrinsic
21 tortious conduct of implied libel, trade label and defamation per se against the plaintiff and open mockery of the
22 Court.

23 19. The Plaintiff claims there is a need to preserve the fairness of the adjudicatory process and that the
24 federal courts may rely on their inherent power in correcting the totality of abusive behavior that is presented to
25 them (Goodman's intrinsic and extrinsic misconduct). Here, Goodman's continued social media misconduct has a
26 direct, indirect, explicit and implicit impact on these proceedings. By its own inherent powers of discretion this
27 Court may apply a **gag order** upon Goodman; a party to this present lawsuit.

20. The bulk of evidence that has been presented to this Court thus far by the Plaintiff, indicates that Defendant Goodman is creating a social media circus and attempting to make the Plaintiff appear as a Dr. Sam Sheppard (The Fugitive) type of character for Goodman's personal profit driven motivations. The carnival atmosphere of "CrowdSource The Truth" (complete with self-professed serial killers, disorderly citizens armed with weapons, and ex-CIA disgruntled employees) makes the judicial processes of this Court vulnerable to continued open mockery by injecting prejudicial publicity into these proceedings. Enough is enough.

21. In normal circumstances a court would be loath to command prior restraint on expression by the news media. However, Goodman is a party to this litigation, a direct participant. The Defendant is not a local newspaper interested in a trial at the county courthouse. Here, Goodman's tortious "expression" is the core of this litigation.

DECLARATION / ATTESTATION PURSUANT TO LOCAL RULE 7.1

I hereby attest that the foregoing is accurate and true under the penalties of perjury. Further, I hereby attest that the attached exhibits are accurate and true copies of source documents located on the Internet.

Signed this ____ day of October, 2018

Plaintiff, D. George Sweigert
Pro se plaintiff acting as private attorney general

EXHIBITS

DECLARATION / ATTESTATION PURSUANT TO LOCAL RULE 7.1

I hereby attest that the attached exhibits are accurate and true copies of source documents located on the Internet.

There has been no alteration of the source content.

Signed this 26 day of October, 2018



Plaintiff, D. George Sweigert
Pro se plaintiff acting as private attorney general

EXHIBITS

EXHIBIT ONE

Internet URL: <https://www.youtube.com/watch?v=hnqaTubTLlw&t=1s>



Tonight Only ON Patreon The Intelligence Assessment with Kevin Shipp – Targeted Individuals



Jason Goodman

Subscribe 66K

1,422 views

Ella Free and Michael Barden join Kevin and me to discuss the growing problems facing targeted individuals.

Become a Sponsor of Crowdsourcethe Truth and enjoy exclusive content Only ON Patreon

<http://www.patreon.com/crowdsourcethe...>

https://www.patreon.com/kevin_shipp

EXHIBIT TWO**Party Information**

Party Name - Number	Relationship	Sex	Attorney	Judge	Case #
State Of Arizona - (1)	Plaintiff	N/A	Vaitkus, Michelle		
Michael Barden - (2)	Defendant	M	Victor, Marc	Master Calendar	CR2018-100874-001

Disposition Information

Party Name	ARSCode	Description	Crime Date	Disposition Code	Disposition	Date
Michael Barden	13-1204A2 (F3)	AGG ASLT-DEADLY WPN/DANG INST	1/4/2018			
Michael Barden	13-2904A6 (F6)	DISORD CONDUCT-WEAPON/INSTR	1/4/2018	Pled Guilty As Charged	Pled Guilty As Charged	10/16/2018

**Case Documents**

Filing Date	Description	Docket Date	Filing Party
10/22/2018	105 - ME: Plea Agreement/Change Of Plea - Party (001)	10/22/2018	
10/16/2018	PAG - Plea Agreement - Party (001)	10/17/2018	
10/5/2018	331 - ME: Settlement Conference - Party (001)	10/5/2018	
9/12/2018	070 - ME: Settlement Conference Set - Party (001)	9/12/2018	
9/6/2018	PRA - Praecipe - Party (001)	9/10/2018	
8/23/2018	598 - ME: Continuance Past last Day - Party (001)	8/23/2018	
7/24/2018	027 - ME: Pretrial Conference - Party (001)	7/24/2018	
7/18/2018	STA - Statement - Party (001)	7/23/2018	
NOTE: COMPREHENSIVE PRETRIAL CONFERENCE			
5/21/2018	598 - ME: Continuance Past last Day - Party (001)	5/21/2018	
5/3/2018	MCO - Motion To Continue - Party (001)	5/14/2018	
NOTE: TRIAL			
4/26/2018	ALG - Allegation - Party (001)	4/26/2018	
NOTE: STATE'S ALLEGATION OF AGGRAVATING CIRCUMSTANCES			

EXHIBIT THREE

----- Original Message -----

From: Spoliation Notice <spoliation-notice@mailbox.org>

To: Marc@AttorneysForFreedom.com, Howard@AttorneysForFreedom.com

Cc: Spoliation Notice <spoliation-notice@mailbox.org>

Date: October 14, 2018 at 12:33 AM

Subject: Spoliation and evidence preservation notice -- Michael J. Barden, Avondale, AZ, DOB: March 2, 1975

REF: (a) <https://www.youtube.com/watch?v=Zf-oA4v03z8>

(b) Patreon account: <https://www.patreon.com/MichaelJBarden>

(C) <https://www.didntdoitbailbonds.com/maricopa-county-inmate-search/michael-barden-t425290/>

Marc@AttorneysForFreedom.com

480-725-3929

Dear Sir,

We understand that you represent Michael J. Barden as legal counsel. Please advise your client that he shall be called as a witness in the litigation pending against Jason Goodman (see attached) per N.Y. CPLR 3113.

Mr. Goodman has distributed to his worldwide audience a dozen videos of your client with day by day updates on his criminal case. Estimated views are between 30,000 and 35,000 YouTube, Facebook, Twitter and other social media impressions.

As you are well aware, Mr. Goodman has earnestly advised your client NOT to accept the plea bargain offered by the State of Arizona in Mr. Barden's criminal case (see attached). Further, Mr. Barden has told this worldwide audience that he does not trust you as an attorney.

Mr. Barden will be called as a witness and should be advised to safely protect, safeguard and archive all electronic media evidence in his possession. To include e-mail messages exchanged with Goodman, Twitter tweets, Facebook updates, phone records, etc. In short, all evidence of Internet activity for the previous two (2) years, October 1, 2016 to the present. This include any eBay transactions, all systems and computer activity, AOL.COM messages, etc.

Warm regards,

Evidence Collection Team

Marc@AttorneysForFreedom.com

480-725-3929

D. GEORGE SWEIGERT, C/O
P.O. BOX 152
MESA, AZ 85211

RECEIVED
SDNY LOCKET UNIT
2018 OCT 23 PM 3:40

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
(FOLEY SQUARE)

D. GEORGE SWEIGERT
Plaintiff,

vs.

JASON GOODMAN
Defendant

Case No.: 1:18-cv-08653-UA

CERTIFICATE OF SERVICE


CERTIFICATE OF SERVICE

The Plaintiff certifies under penalties of perjury that the enclosed documents have been sent via First Class
postage paid U.S. Mail to:

Jason Goodman
252 7th Avenue #6S
New York, NY 10001

PRO SE DIVISION -- 200
Clerk of the Court
U.S. District Court for the SDNY
(FOLEY SQUARE)
500 Pearl Street
New York, New York 10007-1312

Respectfully dated this day 26 October, 2018,

 /

D. GEORGE SWEIGERT

CERTIFICATE OF SERVICE

PRIORITY[®]
★ MAIL ★

For Domestic Use Only

TRACKED
★ ★ ★
INSURED**TRACKED**
★ ★ ★
INSURED**PRIORITY[®]**
★ MAIL ★**UNITED STATES**
POSTAL SERVICE[®]

For Domestic Use Only

Label 107R, July 2013

Label 107R, July 2013



This envelope is made from post-consumer waste. Please recycle - again.

4 **D. GEORGE SWEIGERT, C/O**
5 **P.O. BOX 152**
6 **MESA, AZ 85211****USPS TRACKING[™] INCLUDED *****INSURANCE INCLUDED *****PICKUP AVAILABLE**

* Domestic only

WHEN USED INTERNATIONALLY,
A CUSTOMS DECLARATION
LABEL MAY BE REQUIRED.#200
PROSE

PS00001000014

EP14F July 2013
OD: 12.5 x 9.5**VISIT US AT USPS.COM[®]**
ORDER FREE SUPPLIES ONLINE

Retail

P

TO:

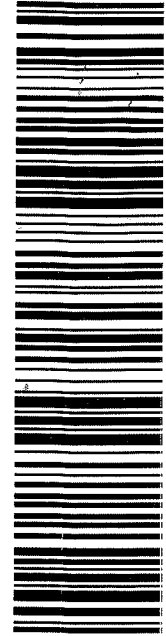
US POSTAGE PAID
\$6.70Origin: 95662
Destination: 10007
0 Lb 7.80 Oz
Oct 26, 18
0558740662-20

1006

PRIORITY MAIL 2-Day[®]

EXPECTED DELIVERY DAY: 10/29/2018

C014

USPS TRACKING NUMBER

9505 5158 1611 8299 1300 10

USM^{P3}
SDNYThis packaging is the property of the U.S. Postal Service[®] and is provided solely for
violation of federal law. This packaging is not for resale. EP14F © U.S. F